



## ***CLOSED CASE SUMMARY***

ISSUED DATE: APRIL 14, 2022

FROM: INTERIM DIRECTOR GRÁINNE PERKINS  
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2021OPA-0388

### **Allegations of Misconduct & Director's Findings**

Named Employee #1

Allegation(s):		Director's Findings
# 1	15.180 - Primary Investigations 1. Officers Shall Conduct a Thorough and Complete Search for Evidence	Not Sustained (Training Referral)
# 2	15.180 - Primary Investigations 5. Officers Shall Document all Primary Investigations on a Report	Not Sustained (Training Referral)
# 3	15.410 - Domestic Violence Investigation 3. Officers Will Make a Reasonable Effort to Protect the Victim and Arrest the Suspect	Allegation Removed
# 4	5.001 - Standards and Duties 10. Employees Will Strive to be Professional	Sustained
# 5	5.140 - Bias-Free Policing 2. Officers Will Not Engage in Bias-Based Policing	Not Sustained (Inconclusive)
Imposed Discipline		
Oral Reprimand		

***This Closed Case Summary (CCS) represents the opinion of the OPA Director regarding the misconduct alleged and therefore sections are written in the first person.***

### **EXECUTIVE SUMMARY:**

The Complainant alleged that she was the victim of an assault by her roommate, Community Member #1 (CM#1). The Complainant alleged that the primary responding officer, Named Employee #1 (NE#1), failed to properly search for evidence, did not properly document his investigation, improperly failed to arrest CM#1, was unprofessional, and engaged in bias-based policing due to her status as a landlord, age, and accent.

### **ADMINISTRATIVE NOTE:**

OPA submitted this case to the Office of Inspector General (OIG) for certification as timely, thorough, and objective. OIG certified this case as both thorough and objective but declined to certify the case as timely. OIG explained that the reason for this declination was that "according to IAPro, the 5 Day Notification was sent out 8/31/2021 rather than being sent out by the required date of 8/27/2021."

OPA is required by the Seattle Police Officers' Guild (SPOG) Collective Bargaining Agreement (CBA) to "notify the named employee of the receipt of a complaint, including the basic details of the complaint, within five (5) business days after receipt of the complaint by OPA." OPA received this complaint on Friday, August 20, 2021. Accordingly, OIG



is correct that, under the terms of the SPOG CBA, the 5-day notice should have been sent out no later than Friday, August 27, 2021. Here, the 5-day notice was sent out two business days later, Tuesday, August 31, 2021.

OPA respectfully disagrees that this slight delay under a single term of the SPOG CBA renders the investigation itself untimely under the OIG's statutory purview to "determine whether the investigation should be certified by the OIG as thorough, timely, and objective." S.M.C. 3.29.260(A). As an initial matter, the 5-day notice, unlike the 30-day notice and the 180-day investigation timeline, is not a statutorily required timeline for an OPA Investigation. See S.M.C. 3.29.130. Additionally, while the statute requires OIG to consider "whether applicable OPA procedures were followed and the intake and investigation were conducted in accordance with the OPA Manual," S.M.C. 3.29.260(F)(2)(e), OPA believes that the factor that "witnesses were contacted, interviewed, and all other material evidence was timely collected," S.M.C. 3.29.260(F)(2)(a), should outweigh the slight delay on a single internal deadline required under the SPOG CBA. Moreover, OPA does not believe that the two-business-day delay of this notice is an irregularity of such significance to warrant a partial certification. Finally, OPA believes that the statute's wording directs OIG to review the timeliness of the investigation itself, not internal deadlines pursuant to the SPOG CBA.

#### **SUMMARY OF INVESTIGATION:**

The Complainant left a voicemail with OPA alleging that she was a victim of assault by her roommate, CM#1. The Complainant alleged that CM#1 was able to call the police first and that, when police arrived, NE#1 "discredited" her account of events and displayed a "lack of concern" for her situation. Additionally, the Complainant alleged that NE#1 did not conduct a thorough investigation and his report was inaccurate. Finally, the Complainant alleged that NE#1 treated her differently due to her status as a landlord, age, and accent. OPA commenced this investigation.

During its investigation, OPA reviewed the complaint, Computer Aided Dispatch (CAD) report and follow-up reports, and the Incident/Offense Report. OPA also reviewed Body Worn Video (BWV) from NE#1. Finally, OPA interviewed the Complainant and NE#1. The entire interaction between NE#1 and the Complainant was recorded by NE#1's BWV. The facts underlying this complaint are not in credible dispute.

On August 18, 2021, CM#1 called 911 at approximately 7:05 P.M. The CAD Report for this call read: "15 MIN AGO. RP'S FEMALE LANDLORD YELLED AT RP, NO THRET/ASLT, NO WPNS SEEN. SUSP IS NOT IN UPPER UNIT." NE#1 was assigned as the primary officer to this call and Witness Officer #1 (WO#1) was assigned as the only secondary unit. At 7:08 P.M., CM#1 advised 911 that she was waiting in a parked vehicle in front of the location. The Complainant called 911 at 7:11 P.M. and the calls were linked. The CAD Report for the Complainant's call read: "(M)LANDLORD IS ON THE PHONE CLAIMING THAT THE TENANT ([CM#1]) HAS PUSHED AND HIT THE LANDLORD. THE LANDLORD WILL WAIT IN HER BEDROOM IN THE LOWER UNIT. BOTH LANDLORD AND TENANT LIVE IN DOWNSTAIRS UNITS. NO KNOWN WEAPS . MEDICS DECLINED."

NE#1's BWV captured the entirety of his interaction with both CM#1 and the Complainant. After NE#1 arrived on the scene, CM#1 exited her vehicle and approached NE#1. Several seconds later, the Complainant exited the house and told NE#1 she had called the police and asked to be spoken with first. NE#1 responded several times that he would "be with [Complainant] in a sec." When the Complainant persisted, NE#1 stated "[t]hat's not how it works. You don't determine what I do, okay?" When the Complainant asked what NE#1 meant by that, NE#1 responded "[y]ou don't determine what I do. Go inside and I'll speak to you when I'm done." When the Complainant continued to speak with NE#1, NE#1 stated "Please go inside. You're obstructing my investigation. Please go inside." The Complainant then went inside.



NE#1 then spoke with CM#1 outside. CM#1 stated that the Complainant was her landlord and that CM#1 was having issues of “harassment” with the Complainant that culminated in this incident. CM#1 explained that, after her previous roommate moved out, the Complainant moved in because the Complainant “just wants access down there.” CM#1 stated that the Complainant did not really live at the location, but just came to the house “once a week for an hour or two and leaves.” CM#1 stated that, on the date of the incident, the Complainant came to the front door and that CM#1 informed the Complainant that she was not allowed to be there, but that the Complainant “body checked” her and “kept on kind of lunging” at her and “making movements with her hands with keys in between them.” CM#1 stated that she felt “really unsafe there.” CM#1 also showed NE#1 a video purportedly of the interaction between herself and the Complainant. NE#1’s BWV recorded the video CM#1 showed him. In it, it appeared that the Complainant walked into the unit without being obstructed by CM#1, but that the two argued over who had the right to be there. CM#1 repeatedly stated to the Complainant that the Complainant does not “live here,” to which the Complainant responded it was her “legal residence.” CM#1 informed NE#1 that she had a lawyer who was helping her with this issue and described some of the steps the lawyer took. NE#1 told CM#1 that the issue between her and the Complainant sounded like a civil matter.

Before speaking with the Complainant, NE#1 and WO#1 spoke. WO#1 asked NE#1 if the incident was domestic violence. NE#1 responded to the effect of “Not even an assault or anything.” NE#1 explained to WO#1 “it’s all civil.” When WO#1 asked if CM#1 and the Complainant were roommates, NE#1 responded “[s]he (the Complainant) thinks they are, but she (CM#1) says they’re not.”

NE#1 then interviewed the Complainant inside of the house. The Complainant told NE#1 that she both owned the building and that the unit was her “primary residence.” The Complainant elaborated that, after a previous tenant moved out, the Complainant moved into the unit about two months prior. The Complainant alleged that the CM#1 had engaged in harassing behavior as a “scheme” to “drive [the Complainant] away from her home.” The Complainant stated that CM#1 was “pathological liar” who was “lying to everyone,” and that CM#1 had assaulted the Complainant three times in the preceding two weeks. The Complainant stated that, on the date of the incident, the Complainant returned home and, after she parked her car, CM#1 “ran outside, and [CM#1] starting pushing me like this.” The Complainant demonstrated the pushing motion for the officers by holding both of her hands up by her shoulders, with her palms facing away from her body and her fingers bent such that her fingertips were pointing away from her body, then pushing both hands straight forward away from her body. The Complainant said that CM#1 stated “go away, you cannot be here,” then CM#1 started filming. NE#1 asked if the Complainant was hurt and the Complainant responded by showing NE#1 her right forearm and stating, “it’s kind of, this thing here (pointing to her right forearm) it will probably turn to bruise, you know.” NE#1 responded “[i]t doesn’t look like much now...but you’re saying it might turn into a bruise.” The Complainant stated that her alleged injury was caused by CM#1 striking her, which the Complainant described as “a mix between a hit and a push away you know.”

The Complainant stated she wanted to press charges against CM#1, and NE#1 agreed to write the incident up. NE#1 took pictures of both the Complainant’s arms, where the Complainant indicated she was injured. These photographs depicted an almost imperceptible, small, discoloration on one of the Complainant’s arms. NE#1 also provided the Complainant with a business card.

At the conclusion of his interaction with the Complainant, NE#1 began a discussion with the Complainant stating, “I’m going to tell what I feel about the situation and what I feel doesn’t really matter because there’s a law.” NE#1 then opined that “what I think is going on is you moved back in because you want her to move out so you can sell her house and she wants to stay here abuse the moratorium and use that to her advantage so she can stay here. That’s what it



seems like to me.” NE#1 also stated, “I’m just letting your know what an outsider’s perspective is...I don’t know you; I don’t know her; I don’t have any ties to you guys but that’s what it seems like listening to both sides of your story and it also seems like both of you are kind of manipulating the system to get your way.” NE#1 repeatedly assured the Complainant that he would write up her allegations for a detective to review but noted “I just don’t...I think you guys are abusing the police to get over on each other and I’m not going to partake.” NE#1 also told the Complainant that if she developed bruising on her arms, she could call the police back to have that documented.

After NE#1 and WO#1 left the house, NE#1 spoke with CM#1. NE#1 gave CM#1 a business card and told her that “everything is going to be civil today. I’m not going to be kicking anybody out.” NE#1 elaborated “[l]ike I told [the Complainant], I think you guys are both being manipulative to be perfectly honest, okay?” NE#1 and WO#1 then escorted CM#1 into the house to gather some personal items. As NE#1 and WO#1 went to leave, CM#1 asked “when [the Complainant] yelled that I had assaulted her...when she yelled that I had assault her, that sounds illegally, she lied about that, um, is there anything you can do to enforce that?” NE#1 responded “No...I’m going to document everything that both of you guys said, so. I mean, I didn’t see any injuries. I took pictures of her arms where she said she was assaulted, and it’s going to be up to the detectives. Probably nothings probably going to come of it, so...” CM#1 replied “[o]kay, because yeah, no I would never do that...Like again, she locked her door, I went to my place, got my bag, and went immediately to my car...”

Two days later, on August 20, 2021, the Complainant called 911 to report that she now had bruising on her arms. Witness Officer #2 (WO#2) responded and took pictures of the Complainant’s arms where she indicated that she had injuries. These photographs depicted a small area of bruising in generally the same area as the small area of discoloration in the photographs from two days earlier.

### **ANALYSIS AND CONCLUSIONS:**

#### **Named Employee #1 - Allegation #1**

##### ***15.180 - Primary Investigations 1. Officers Shall Conduct a Thorough and Complete Search for Evidence***

The Complainant alleged that NE#1 did not conduct a thorough and complete search for evidence.

SPD Policy 15.180-POL-1 requires that, in primary investigations, officers conduct a thorough and complete search for evidence. The policy further requires officers to collect evidence and states that only evidence that it impractical to collect shall be retained by the owner. (SPD Policy 15.180-POL-1.) Such evidence should be photographed. (*Id.*)

The Complainant alleged that NE#1 did not perform “due diligence” with respect to his on-scene investigation. Both the Complainant and CM#1 made complicated allegations against each other concerning ongoing, civil landlord-tenant issues. However, the central criminal allegation made by the Complainant was that CM#1 pushed the Complainant. NE#1 spoke to both the Complainant and CM#1 about this issue, reviewed video provided to him by CM#1, and photographed the area of the Complainant’s body where she indicated she had injuries. However, NE#1 did not seek recorded statements from either party, conduct any follow-up interviews, or acquire a copy of the video CM#1 showed him.

Whether NE#1 was required to take recorded victim statements during this misdemeanor investigation depended on whether this was a domestic violence investigation. See SPD Policy 15.180-POL-3 (“Officers shall take victim statements in all domestic violence investigations.”). As an initial matter, it does not appear that NE#1 understood



this to be a domestic violence incident. When WO#1 asked NE#1 if this was a domestic violence incident, he responded that he did not even believe it was an assault and that the Complainant and CM#1 had different perspectives on whether they resided together. Additionally, NE#1 categorized this incident as “Dispute-Other” on his Incident Report and did not complete a Domestic Violence Supplement. Finally, neither the Complainant nor CM#1’s description of the situation would meet the criteria for domestic violence: the Complainant stated that she rented out individually locking rooms in the house, whereas CM#1 was accusing the Complainant of being a trespasser. This was not a domestic violence investigation and—although it might have been better practice—NE#1 was not required to take recorded statements from either the Complainant or CM#1.

After speaking with the Complainant, NE#1 should have conducted a follow-up interview with CM#1 to probe whether she pushed the Complainant before the Complainant walked into the house. CM#1 accused the Complainant of “body checking” her to get inside the house and then showed NE#1 a video—appearing to depict an event inside the house—in which the Complainant either walked or pushed past CM#1, who was standing in the doorway. The Complainant stated that the CM#1 confronted her outside the house, pushed her, then re-entered the house and started filming. While CM#1 did generally deny assaulting the Complainant—in a statement that CM#1 volunteered while walking out of the house with NE#1 and WO#1—NE#1 should have conducted a follow-up interview to resolve this discrepancy.

NE#1 should have attempted to obtain a copy of the video that CM#1 showed him. Although NE#1’s BWV captured some of the relevant content of the video, this piece of evidence was extremely relevant to NE#1’s primary investigation and would have been “critical to the success of any subsequent investigative efforts.” SPD Policy 15.180-POL. The value of this video in confirming or disputing the cross-complaints made by the Complainant and CM#1 was obvious. The video depicted at least some of the physical interaction between the parties and the statements that they made to each other under the stress of the moment. NE#1 himself referenced the video in his Incident Report as central to his analysis of CM#1’s statements, stating, among other things, “[b]ased on [CM#1’s] video it appeared that [Complainant] did not touch her when a walking past. I did not have enough articulable facts for assault charges.” This evidence should have been preserved, in its entirety and best available quality. Finally, preserving this evidence—which CM#1 had on her smartphone—would have been extremely easy to do.

OPA also has an overall concern that NE#1 was either unable, or unwilling, to redirect both the Complainant and CM#1 to discuss the specifics of their potential criminal allegations as opposed to their landlord-tenant dispute. In OPA’s opinion, this foundational issue preceded the specific issues raised above, led to NE#1 forming a premature opinion (after speaking with only one of the two parties, CM#1) about this incident being “all civil stuff,” wasted a significant amount of time that would have been better used asking follow-up questions of the witnesses to confirm or rule out probable cause for an assault, and allowed the potentially criminal details of the parties’ statements to get lost in irrelevant backstory. NE#1 stated in his incident report that “[b]oth parties spent an extended amount of time making complaints about past issues.”

This case presents a close call. As described above, there were several specific and overarching areas in which OPA believes NE#1’s primary investigation was incomplete. However, OPA also recognizes that NE#1 spent over an hour of time handling this call, listened to both parties present their side of the story, and documented the Complainant’s nearly imperceptible alleged injury. OPA also acknowledges that NE#1 was confronted with an extremely convoluted set of facts, involving ongoing civil matters, from two cross-complainants whose narratives were not neatly organized around specific criminal allegations. In this instance, OPA cannot say that NE#1’s possible violations of SPD policy were willful acts amounting to misconduct.



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Accordingly, OPA recommends that this allegation be Not Sustained – Training Referral.

- **Training Referral:** NE#1's chain of command should discuss OPA's findings with NE#1, review SPD Policy 15.180-POL-1 with NE#1 and provide any further retraining and counseling that it deems appropriate. This retraining and counseling should include the importance of focusing witnesses on relevant issues and the importance of conducting follow-up interviews to clarify discrepancies. The retraining and counseling conducted should be documented, and this documentation should be maintained in Blue Team.

Recommended Finding: **Not Sustained - Training Referral**

**Named Employee #1 - Allegation #2**

***15.180 - Primary Investigations 5. Officers Shall Document all Primary Investigations on a Report***

The Complainant alleged that NE#1's incident report was inaccurate.

SPD Policy 15.180-POL-5 requires that officers document all primary investigations on a General Offense Report. Even where victims of crime refuse to cooperate and to give a statement, officers are still required to document that fact in a report. (SPD Policy 15.180-POL-5.) All reports must be complete, thorough and accurate. Finally, officers are required to "document whether victims of non-custody incidents want to pursue charges, as feasible."

Preliminarily, the Complainant alleged that NE#1's report adopted CM#1's view of the incident and left out details that the Complainant felt were important. Specifically, the Complainant alleged that NE#1's report (1) did not include that the Complainant had "been beaten," (2) omitted the Complainant's belief that CM#1 recording her was a crime, (3) had the wrong incident date listed, and (4) stated that the Complainant told NE#1 that she would call the police if bruises developed, when in fact it was NE#1 who told the Complainant that. These issues did not constitute misconduct by NE#1.

NE#1's incident report recorded that the Complainant accused CM#1 of "pushing" her. This accurately recorded what the Complainant verbally described and physically demonstrated to NE#1. Although the Complainant did, at points, use both the words "hit" and "push" to describe the CM#1's actions, her physical demonstration was of a pushing motion, not a "beating." Moreover, the photographs that NE#1 took of the Complainant's arms did not document injuries consistent with a "beating." At most, the photographs taken by NE#1 on the day of the incident show a nearly imperceptible red mark.

Additionally, it is immaterial that NE#1 did not document the Complainant's belief that it was a crime for CM#1 to record her. The Complainant is incorrect that openly video recording someone—in the manner that CM#1 did—would be a crime in Washington state. While Washington does require two-party consent for recording private communications, see R.C.W. 99.73.030, the facts here do not suggest that the exchange between the Complainant and CM#1 constituted a "communication" at all, let alone a private one. *Cf. Lewis v. State of Washington Dep't of Licensing*, 139 P.3d 1078 (Wash. 2006).

Finally, that NE#1 recorded the incorrect incident date and misattributed NE#1's instruction to call the police if bruises developed as a comment of the Complainant appear more likely than not to be inadvertent human error. While these issues may reflect sloppiness—possibly resulting from NE#1 completing his Incident Report three days after the incident—the evidence does not suggest this was willful misconduct.





More concerning is the Complainant's allegation that NE#1 told her that charges could be filed against CM#1 if her injuries developed into bruises. NE#1 clearly stated to both the Complainant and CM#1 that he would document the incident and it would then be "up to the detectives." But, when asked by OPA to explain how he was certain that this case would be reviewed by a detective, he responded "I don't know how the detectives work. I don't know if they review every case. I don't – I don't know how it works. I know there's very little of them now." However, NE#1's explained that he "would hope" that detectives would review this case. Moreover, when OPA asked NE#1 about why he classified the incident as a "dispute-other" and then did not attach a label to the incident in order to route it to a general investigations unit, NE#1 responded that he "didn't feel an assault occurred" and he "didn't know we were supposed to do that."

As with Allegation #1, this allegation presents a close call. NE#1 created a situation wherein the Complainant justifiably believed that NE#1 would ensure that her situation would be documented and reviewed by a detective. Moreover, NE#1 created a perception that, should the Complainant's arms show bruising, this fact would be considered. Instead, NE#1 neither classified nor labeled the incident in such a way that a detective would see it. NE#1 explained to OPA that he did not know how his reports would come to be viewed by a follow-up unit, but that he "would hope" detectives would review this case. OPA takes NE#1 at his word that his statements to the Complainant and CM#1 concerning their case being reviewed by a detective came from a place of ignorance and not deceit.

Accordingly, OPA recommends that this allegation be Not Sustained – Training Referral.

- **Training Referral:** NE#1's chain of command should discuss OPA's findings with NE#1, review SPD Policy 15.180-POL-5 with NE#1 and provide any further retraining and counseling that it deems appropriate. This retraining and counseling must include the proper classification and labeling of Incident Reports, including how to attach labels for a file to be reviewed by a follow-up unit. NE#1's chain of command should also review SPD Policy 15.020, the Charge-By-Officer (CBO) program, for use in appropriate situations. The retraining and counseling conducted should be documented, and this documentation should be maintained in Blue Team.

Recommended Finding: **Not Sustained - Training Referral**

### **Named Employee #1 - Allegation #3**

#### ***15.410 - Domestic Violence Investigation 3. Officers Will Make a Reasonable Effort to Protect the Victim and Arrest the Suspect***

It was alleged that NE#1 failed to make a mandatory arrest during a domestic violence investigation.

SPD Policy 15.410-POL-3 states that "officers will make a reasonable effort to protect the victim and arrest the suspect." The policy sets forth the various tasks officers are required to complete when responding to a domestic violence incident. (See SPD Policy 15.410-POL-3.)

For the reasons set forth above at Named Employee #1, Allegation #1, this was not technically a domestic violence investigation. Accordingly, SPD Policy 15.410 did not apply, and this allegation is removed.

Recommended Finding: **Allegation Removed**



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**Named Employee #1 - Allegation #4**

***5.001 - Standards and Duties 10. Employees Will Strive to be Professional***

The Complainant alleged that NE#1 was unprofessional.

SPD Policy 5.001-POL-10 requires that SPD employees “strive to be professional.” The policy further instructs that “employees may not engage in behavior that undermines public trust in the Department, the officer, or other officers” whether on or off duty. (SPD Policy 5.001-POL-10.) The policy further states the following: “Any time employees represent the Department or identify themselves as police officers or Department employees, they will not use profanity directed as an insult or any language that is derogatory, contemptuous, or disrespectful toward any person.” (*Id.*) Lastly, the policy instructs Department employees to “avoid unnecessary escalation of events even if those events do not end in reportable uses of force.” (*Id.*)

NE#1 made extensive statements to the Complainant noting his “personal belief” that both the Complainant and CM#1 were “manipulating the system” and “abusing the police to get over on each other.” NE#1 summarized his feelings to the Complainant stating “what I think is going on is you moved back in because you want her to move out so you can sell her house and she wants to stay here abuse the moratorium and use that to her advantage so she can stay here. That’s what it seems like to me.” NE#1 also described his assumptions that the Complainant “came here because you don’t want [CM#1] here either and you know she’s supposed to leave in two weeks. And you wanted to make it a little uncomfortable. ... I feel for you as a landlord, I would want to sell my house in Seattle too, you’d probably get a big bang for your buck.”

In his interview with OPA, NE#1 explained that he felt injecting his personal beliefs in this way was necessary for “transparency.” OPA disagrees. These comments were unprofessional and unnecessary. To the extent they offered transparency, they clearly communicated to both the Complainant and CM#1 that NE#1 was, in fact, making numerous assumptions about what he believed was occurring, even if he then immediately claimed that his “professional opinion is quite different.” Once NE#1 made these statements, OPA does not see how either the Complainant or CM#1 would have trust that NE#1 disregarded his own stated beliefs in reaching his decisions.

Moreover, these comments were unnecessary. Unlike a situation where an officer’s less-professional comments might gain the attention of a non-compliant subject or encourage a reluctant witness to cooperate, NE#1’s comments here appeared entirely directed at ending his conversations with the Complainant and CM#1.

Finally, OPA recognizes similarities between NE#1’s statements in this case and ones for which he received a training referral less than two years ago. See 2020OPA-0347. In that case, in response to an individual’s assertions that she had been assaulted earlier, NE#1 stated that individual “can’t play the victim if you didn’t call the police.” In light of this recent training referral, OPA cannot say that NE#1’s conduct here was not willful.

Accordingly, OPA recommends that this allegation be Sustained.

Recommended Finding: **Sustained**





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**Named Employee #1 - Allegation #5**

***5.140 - Bias-Free Policing 2. Officers Will Not Engage in Bias-Based Policing***

The Complainant alleged that NE#1 engaged in bias-based policing based on her age, status as a landlord/homeowner, and accent.

SPD policy prohibits biased policing, which it defines as “the different treatment of any person by officers motivated by any characteristic of protected classes under state, federal, and local laws as well other discernible personal characteristics of an individual.” (SPD Policy 5.140-POL.) This includes different treatment based on the race of the subject. (*See id.*)

NE#1 denied that he made and decision or took any action in this case that was different based on the Complainant’s age, accent, or status as a homeowner/landlord. OPA found no evidence that NE#1 engaged in bias-based policing based on her age or accent and recommends that those portions of this allegation be Not Sustained – Unfounded.

However, NE#1’s comments about his “personal belief” about this situation heavily concerned his perception that the Complainant likely wanted to sell her home (“I feel for you as a landlord, I would want to sell my house in Seattle too, you’d probably get a big bang for your buck.”) and that CM#1 wanted to “abuse the moratorium.” NE#1 also stated his belief that both the Complainant and CM#1 were “manipulating the system.” In light of these comments, as well as the imperfections identified in NE#1’s primary investigation and Incident Report, OPA cannot reach the conclusion that NE#1’s perceptions of the Complainant as a homeowner/landlord did not affect his handling of this incident.

Accordingly, OPA recommends that this allegation be Not Sustained – Inconclusive.

Recommended Finding: **Not Sustained - Inconclusive**